

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Misty Valladares

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cole, Cole, Easley & Sciba, 302 W. Forrest St., Victoria,
TX 77901; (361)575-0551; evan@colefirmservice.com

DEFENDANTS

Wal-Mart Stores Texas, LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

John A. Ramirez, 5615 Kirby, #900, Houston, TX 77005;
713) 626-1555; jramirez.atty@bushramirez.com

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 424 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 425 Appeal 28 USC 158 <input type="checkbox"/> 426 Withdrawal 28 USC 157 <input type="checkbox"/> 427 Appeal 28 USC 158 <input type="checkbox"/> 428 Withdrawal 28 USC 157 <input type="checkbox"/> 429 Appeal 28 USC 158 <input type="checkbox"/> 430 Withdrawal 28 USC 157 <input type="checkbox"/> 431 Appeal 28 USC 158 <input type="checkbox"/> 432 Withdrawal 28 USC 157 <input type="checkbox"/> 433 Appeal 28 USC 158 <input type="checkbox"/> 434 Withdrawal 28 USC 157 <input type="checkbox"/> 435 Appeal 28 USC 158 <input type="checkbox"/> 436 Withdrawal 28 USC 157 <input type="checkbox"/> 437 Appeal 28 USC 158 <input type="checkbox"/> 438 Withdrawal 28 USC 157 <input type="checkbox"/> 439 Appeal 28 USC 158 <input type="checkbox"/> 440 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Appeal 28 USC 158 <input type="checkbox"/> 442 Withdrawal 28 USC 157 <input type="checkbox"/> 443 Appeal 28 USC 158 <input type="checkbox"/> 444 Withdrawal 28 USC 157 <input type="checkbox"/> 445 Appeal 28 USC 158 <input type="checkbox"/> 446 Withdrawal 28 USC 157 <input type="checkbox"/> 447 Appeal 28 USC 158 <input type="checkbox"/> 448 Withdrawal 28 USC 157 <input type="checkbox"/> 449 Appeal 28 USC 158 <input type="checkbox"/> 450 Withdrawal 28 USC 157 <input type="checkbox"/> 451 Appeal 28 USC 158 <input type="checkbox"/> 452 Withdrawal 28 USC 157 <input type="checkbox"/> 453 Appeal 28 USC 158 <input type="checkbox"/> 454 Withdrawal 28 USC 157 <input type="checkbox"/> 455 Appeal 28 USC 158 <input type="checkbox"/> 456 Withdrawal 28 USC 157 <input type="checkbox"/> 457 Appeal 28 USC 158 <input type="checkbox"/> 458 Withdrawal 28 USC 157 <input type="checkbox"/> 459 Appeal 28 USC 158 <input type="checkbox"/> 460 Withdrawal 28 USC 157 <input type="checkbox"/> 461 Appeal 28 USC 158 <input type="checkbox"/> 462 Withdrawal 28 USC 157 <input type="checkbox"/> 463 Appeal 28 USC 158 <input type="checkbox"/> 464 Withdrawal 28 USC 157 <input type="checkbox"/> 465 Appeal 28 USC 158 <input type="checkbox"/> 466 Withdrawal 28 USC 157 <input type="checkbox"/> 467 Appeal 28 USC 158 <input type="checkbox"/> 468 Withdrawal 28 USC 157 <input type="checkbox"/> 469 Appeal 28 USC 158 <input type="checkbox"/> 470 Withdrawal 28 USC 157 <input type="checkbox"/> 471 Appeal 28 USC 158 <input type="checkbox"/> 472 Withdrawal 28 USC 157 <input type="checkbox"/> 473 Appeal 28 USC 158 <input type="checkbox"/> 474 Withdrawal 28 USC 157 <input type="checkbox"/> 475 Appeal 28 USC 158 <input type="checkbox"/> 476 Withdrawal 28 USC 157 <input type="checkbox"/> 477 Appeal 28 USC 158 <input type="checkbox"/> 478 Withdrawal 28 USC 157 <input type="checkbox"/> 479 Appeal 28 USC 158 <input type="checkbox"/> 480 Withdrawal 28 USC 157 <input type="checkbox"/> 481 Appeal 28 USC 158 <input type="checkbox"/> 482 Withdrawal 28 USC 157 <input type="checkbox"/> 483 Appeal 28 USC 158 <input type="checkbox"/> 484 Withdrawal 28 USC 157 <input type="checkbox"/> 485 Appeal 28 USC 158 <input type="checkbox"/> 486 Withdrawal 28 USC 157 <input type="checkbox"/> 487 Appeal 28 USC 158 <input type="checkbox"/> 488 Withdrawal 28 USC 157 <input type="checkbox"/> 489 Appeal 28 USC 158 <input type="checkbox"/> 490 Withdrawal 28 USC 157 <input type="checkbox"/> 491 Appeal 28 USC 158 <input type="checkbox"/> 492 Withdrawal 28 USC 157 <input type="checkbox"/> 493 Appeal 28 USC 158 <input type="checkbox"/> 494 Withdrawal 28 USC 157 <input type="checkbox"/> 495 Appeal 28 USC 158 <input type="checkbox"/> 496 Withdrawal 28 USC 157 <input type="checkbox"/> 497 Appeal 28 USC 158 <input type="checkbox"/> 498 Withdrawal 28 USC 157 <input type="checkbox"/> 499 Appeal 28 USC 158 <input type="checkbox"/> 500 Withdrawal 28 USC 157	

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332

Brief description of cause:

Plaintiff, Misty Valladares, claims she was injured when she a stack of containers fell on her at Walmart in Port Lavaca, Texas

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/8/24

/s/John A. Ramirez

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE